



## Reopening of the Public Comment Period for 120 Days for the Proposals to List and Designate Critical Habitat for Three Sierra Amphibians

### *Questions and Answers*

#### Species

- Sierra Nevada yellow-legged frog (*Rana sierrae*)
- Northern Distinct Population Segment (DPS) of the mountain yellow-legged frog (*Rana muscosa*)
- Yosemite toad (*Anaxyrus canorus*)

#### Descriptions

Sierra Nevada yellow-legged frog (*Rana sierrae*) and the Northern DPS of the mountain yellow-legged frog (*Rana muscosa*)

The size of these frogs ranges from 40 to 80 millimeters (mm) (1.5 to 3.25 inches (in)). Females average slightly larger than males, and males have a swollen, darkened thumb base. Adult coloration is variable, exhibiting a mix of brown and yellow, but also can be grey, red, or green-brown, and is usually patterned with dark spots. Irregular lichen- or moss-like patches (to which the name *muscosa* refers) may also be present.



The belly and undersurfaces of the hind limbs are yellow or orange, and this pigmentation may extend forward from the abdomen to the forelimbs. The frogs may produce a distinctive mink or garlic-like odor when disturbed. Although these species lack vocal sacs, they can vocalize in or out of water, producing what has been described as a flat clicking sound.

These frogs deposit their eggs in globular clumps, which are often somewhat flattened and roughly 2.5 to 5 centimeters (cm) (1 to 2 in) in diameter. The tadpoles generally are mottled brown with a faintly yellow underside. Total tadpole length reaches 72 mm (2.8 in), the body is flattened, and the tail musculature tapers into a rounded tip.

The Sierra Nevada yellow-legged frog and the northern DPS of the mountain yellow-legged frog are similar morphologically and behaviorally. However, these two species can be distinguished from each other physically by the ratio of the lower-leg length to snout vent-length. The northern DPS of the mountain yellow-legged frog has longer limbs. Typically, this ratio is greater than or equal to 0.55 in the northern DPS of the mountain yellow-legged frog and less than 0.55 in the Sierra Nevada yellow-legged frog.

### Yosemite toad (*Anaxyrus canorus*)

The Yosemite toad is moderately sized, usually 30 to 71 mm (1.2–2.8 in) in length, with rounded to slightly oval glands, one on each side of the head, which produce toxins used to deter some predators. A thin mid-dorsal stripe (on the middle of the back) is present in juveniles of both sexes. The stripe disappears or is reduced with age; this process takes place more quickly in males. The iris of the eye is dark brown with gold reflective cells.



Male Yosemite toads are smaller than female Yosemite toads. Differences in coloration between males and females are more pronounced in the Yosemite toad than in any other North American frog or toad. Females have black spots or blotches edged with white or cream set against a grey, tan, or brown background color. Males have a nearly uniform coloration of yellow-green to olive drab to darker greenish brown.

Yosemite toads are found in wet meadow habitats and lake shores surrounded by lodgepole or whitebark pine. They are most often found in areas with thick meadow vegetation or patches of low willows.

## **Questions and Answers**

### **Q. Why is the U.S. Fish and Wildlife Service (Service) reopening the public comment period for 120 days?**

**A.** On April 25, 2013, the Service published the two proposals and opened a 60 day public comment period that ended on June 24, 2013. During and after the initial comment period, the Service received significant interest in extending the comment period.

The public comment period is designed so that the Service can listen to and take in to consideration citizen's concerns and any information the public may submit regarding these species and their habitat. This process is important so that any final decision made by the U.S. Fish and Wildlife Service reflects all of the best science and information available. We are reopening the public comment period for 120 days to ensure the public has adequate opportunity to submit comments

### **Q. What is the purpose of the public comment period?**

**A.** The purpose of the public comment period is intended to collect information and comments from the public and local, state, federal, and tribal agencies for each of the following two proposed rules:

- 1) The proposed rule to add three amphibian species to the Endangered Species List and
- 2) The proposed rule to designate critical habitat as follows:
  - Sierra Nevada yellow-legged frog, Endangered, 1,105,400 acres
  - Northern DPS of the mountain yellow-legged frog, Endangered, 221,498 acres

- Yosemite toad, Threatened, 750,926 acres

With overlapping areas, the total proposed critical habitat for the three amphibians is 1,831,820 acres.

**Q. Is the Service planning on holding public meetings for these proposals?**

A. Yes, the Service has received requests to hold public meetings on these proposals. The Service is planning to hold two public meetings and one public hearing, likely in the fall 2013. The dates and times of these meetings and hearing will be announced when the draft economic analysis for the proposed critical habitat rule is made available to the public and will be scheduled within the subsequent open public comment period.

**Q. Specifically, what kind of information is the Service looking for?**

A. We intend that any final action resulting from this proposed rule will be based on the best scientific and commercial data available and be as accurate and as effective as possible. Therefore, we request comments or information from the public, other concerned governmental agencies, Native American tribes, the scientific community, industry, or any other interested parties concerning this proposed rule. We particularly seek comments concerning:

1. Biological, commercial trade, or other relevant data concerning any threats (or lack thereof) to these species, and regulations that may be addressing those threats.
2. Additional information concerning the historical and current status, range, distribution, and population size of these species, including the locations of any additional populations of these species.
3. Any information on the biological or ecological requirements of these species, and ongoing conservation measures for these species and their habitats.
4. The factors that are the basis for making a listing determination for a species under section 4(a) of the Endangered Species Act (ESA), which are:
  - The present or threatened destruction, modification, or curtailment of its habitat or range;
  - Overutilization for commercial, recreational, scientific, or educational purposes;
  - Disease or predation;
  - The inadequacy of existing regulatory mechanisms; or
  - Other natural or manmade factors affecting its continued existence.
5. The reasons why we should or should not designate habitat as critical habitat under section 4 of the ESA, including whether there are threats to these species from human activity, the degree of which can be expected to increase due to the designation, and whether that increase in threat outweighs the benefit of designation such that the designation of critical habitat is not prudent.
6. Specific information on:
  - The amount and distribution of Sierra Nevada yellow-legged frog, the northern DPS of the mountain yellow-legged frog, and Yosemite toad, and their habitats;
  - What areas are currently occupied and that contain features essential to the conservation of these species should be included in the designation, and why; and

- What areas not occupied at the time of listing are essential for the conservation of these species, and why.
7. Land use designations and current or planned activities in the areas occupied by the species or proposed to be designated as critical habitat, and possible impacts of these activities on these species and their proposed critical habitats.
  8. Information on the projected and reasonably likely impacts of climate change on the Sierra Nevada yellow-legged frog, the northern DPS of the mountain yellow-legged frog, and the Yosemite toad, and on their proposed critical habitats. Information on special management considerations or protection that may be needed in the proposed critical habitat areas, including management for the potential effects of climate change.
  9. Any probable economic, national security or other relevant impacts that may result from designating any area as critical habitat that may be included in the final designation. We are particularly interested in any impacts on small entities, and the benefits of including or excluding areas from the proposed designation that are subject to these impacts.
  10. Whether any specific areas proposed for critical habitat designation should be considered for exclusion under section 4(b)(2) of the ESA, and whether the benefits of potentially excluding any specific area outweigh the benefits of including that area under section 4(b)(2) of the ESA.
  11. Whether our approach to designating critical habitat could be improved or modified in any way to provide for greater public participation and understanding, or to assist us in accommodating public concerns and comments.
  12. The likelihood of adverse social reactions to the designation of critical habitat and how the consequences of such reactions, if likely to occur, would relate to the conservation and regulatory benefits of the proposed critical habitat designation.

**Q. What are the threats to the yellow-legged frogs?**

A. Threats include habitat degradation and fragmentation, predation and disease, and climate change. A range-wide reduction in abundance and geographic extent of surviving populations of Sierra Nevada yellow-legged frogs and mountain yellow-legged frogs has resulted from decades of fish stocking and the resulting habitat fragmentation, and a recent disease epidemic. Although additional potential threats were examined in the proposed rule, they were generally found to be of minor importance. Recreation use is not considered a significant threat to these two frogs.

**Q. What are the threats to the Yosemite toad?**

A. Threats to the Yosemite toad include changes to wet meadow habitat associated with past fire management, historic timber management activities, livestock grazing, disease, and climate change. Although additional potential threats were examined in the proposed rule, they were generally found to be of minor importance. Recreation use is not considered a significant threat to the Yosemite toad.

**Q. Why is the Service proposing to list two different species of yellow-legged Frog in the Sierra Nevada?**

A. In 2003, the Service made a 12-month petition finding that the Northern DPS of the mountain yellow-legged frog warranted protection under the ESA and added the species to the candidate list. The 12 month finding was amended in 2007 and genetic evidence revealed that the petitioned frog was actually two distinct species. Agreeing that both frog species warranted protection, the Service decided to include both the Sierra Nevada yellow-legged frog and the Northern DPS of the mountain yellow-legged frog to the proposed listing rule.

In Southern California, the Southern DPS of the mountain yellow-legged frog, was listed as Endangered 2002.

**Q. Why is the Yosemite toad proposed to be listed as threatened rather than endangered?**

A. Though the threats to the Yosemite toad are less intense than those occurring for the proposed frogs, the Service has concluded that expected future increases in the threats indicate that the toad is likely to become endangered throughout all or a significant portion of its range within the foreseeable future.

**Q. Why are these species important?**

A. All species play an important role in our ecosystems. Frogs and toads feed on insects and are themselves food for other important species such as garter snakes, birds, and even bears.

Amphibians, such as these species, play an important role in nutrient recycling. Because amphibian tadpoles live in lakes and streams, but become terrestrial as adults, they are important in transferring energy from the aquatic environment to the terrestrial environment where it is available to terrestrial species such as land birds and mammals.

For more information about the importance of the mountain yellow legged frog, the Service recommends visiting the Yellow-Legged Frog Site at: <http://www.mylfrog.info/>

For more information about the consequences of frogs going extinct, please visit the U.S. Geological Survey website at:

<http://www.usgs.gov/newsroom/article.asp?ID=3597>

**Q. What is critical habitat and how does the Service determine what areas to propose?**

A. Critical habitat identifies geographic areas that contain features essential for the conservation of a threatened or endangered species and that may require special management considerations. The designation of critical habitat does not affect land ownership or establish a refuge, wilderness, reserve, preserve or other conservation area. Critical habitat designation, proposed or final, does not affect non-federal actions on private lands and does not restrict access to public lands.

Biologists consider physical or biological habitat features needed for life and successful reproduction of the species. These include, but are not limited to:

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- Space for individual and population growth and for normal behavior;
- Food, water, air, light, minerals, or other nutritional or physiological requirements
- Cover or shelter;
- Sites for breeding and rearing offspring; and
- Habitats that are protected from disturbance or are representative of the historic geographical and ecological distributions of a species.

For more information about critical habitat, visit: <http://www.fws.gov/endangered/what-we-do/critical-habitats.html>.

**Q. On what lands and in what California counties are critical habitat units being proposed for the species?**

**A.** Most of the proposed critical habitat falls on federal lands (U.S. Forest Service and National Park lands) and much of that in designated wilderness areas. There are 17 total counties where critical habitat is being proposed with some overlapping.

- For the Sierra Nevada yellow-legged frog: Butte, Plumas, Lassen, Sierra, Nevada, Placer, El Dorado, Amador, Alpine, Calaveras, Mariposa, Mono, Madera, Tuolumne, Fresno, and Inyo.
- For the northern DPS of the mountain yellow-legged frog: Tulare and Fresno.
- For the Yosemite toad: Alpine, Mariposa, Mono, Tuolumne, Fresno, Inyo, and Madera.

For maps of the proposed areas, visit [www.fws.gov/sacramento](http://www.fws.gov/sacramento).

**Q. If adopted, how will this critical habitat designation affect trout stocking, recreation, grazing and timber management?**

**A.** A critical habitat designation only has any bearing on activities that are authorized, funded, or carried out by a federal agency. If any of these activities will have federal agency involvement, those federal agencies will be required to consult with the Service if the activities may affect the designated critical habitat.

The purpose of this consultation is so that the Service can assist the federal agency in ensuring that the proposed action will not destroy or adversely modify the species' critical habitat, i.e. affect it to such an extent that it will not be able to provide for the conservation of the species. In those rare cases where it's determined that a proposed action would be likely to destroy or adversely modify critical habitat, the Service will work with the federal agency to modify the project to avoid this outcome.

It's important to note that it is not possible to know beforehand whether any proposed activity would cause the destruction or adverse modification of critical habitat; each activity is thoroughly evaluated on a case-by-case basis at the time the federal agency consults with the Service.

**Q. What happens next?**

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**A.** Before the Service publishes a final rule, we will compile and address the comments received during the public comment periods. The Service will also review and address the expert opinions of independent specialists with scientific expertise to ensure our determinations are based on scientifically sound data, assumptions, and analyses. The Service will have an independent economic analysis of the proposed critical habitat rule completed. When the draft economic analysis is available, the Service will open another public comment period so the public can provide comments on the draft economic analysis and for the comment period for the proposed critical habitat rule.

**Q. What's the deadline and where to I submit my comments?**

**A.** Comments must be submitted by November 18, 2013 and may be submitted online at the Federal eRulemaking Portal at <http://www.regulations.gov>. The Docket Number for the proposed listing rule is FWS-R8-ES-2012-0100 and for the proposed critical habitat rule is FWS-R8-ES-2012-0074. Comments can also be sent by U.S. mail to:

Public Comments Processing  
FWS-R8-ES-2012-0100 or FWS-R8-ES-2012-0074  
Division of Policy and Directives Management  
U.S. Fish and Wildlife Service  
4401 N. Fairfax Drive, MS 2042-PDM  
Arlington, VA 22203

**MORE QUESTIONS?**

Please write or call:

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If you use a telecommunications device for the deaf (TDD), call the Federal Information Relay Service (FIRS) at (800) 877-8339.